

AS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-375-C - ORDER NO. 97-138
FEBRUARY 20, 1997

IN RE: Petition of AT&T Communications of) ORDER
the Southern States, Inc. for Arbitration) ON MOTION
of its Interconnection Agreement with)
GTE South, Inc.)

This matter comes before the Public Service Commission of South Carolina (the "Commission") on the Motion of GTE South, Inc. ("GTE") regarding the procedures established by the Commission for the referenced Arbitration hearing scheduled pursuant to the Federal Telecommunications Act of 1996 (the "Act"). The Motion was filed on January 23, 1997. AT&T Communications of the Southern States, Inc. ("AT&T") filed a Response and Brief in Opposition to GTE's Motion.

In the Motion, GTE requested that it be allowed to "exercise its constitutional right to present evidence and cross-examine witnesses." GTE stated that "(d)ue process requires that GTE be given the opportunity to fully present its own evidence and to cross-examine the witnesses presented by AT&T." Further, GTE cited as a concern the necessity of developing a detailed record via a full hearing should either party appeal the Commission's Arbitration decision to Federal District Court.

On January 14, 1997, this Commission issued Order No. 97-39 in this Docket, which adopted the procedural plan for the Arbitration hearing. This Plan was originally adopted in Docket No. 96-262-C in Order No. 96-695, dated October 9, 1996. The plan of procedure was specifically designed by the Commission Staff and approved by the Commission for use in the Arbitrations held pursuant to the Act. We feel that Arbitrations are to be conducted differently than typical hearings at this Commission.

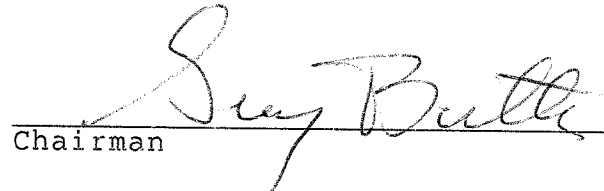
In order to develop the record and obtain a full understanding of the outstanding issues and the parties' relevant positions regarding such issues, we have designed a procedure that indeed allows all parties to present as many witnesses as desired. The witnesses have unfettered time in which they may present their prefiled direct testimony and address the issues and the parties' respective positions to those issues in an open and informative format. Cross-examination will be conducted by the Arbitrator (the Commission) or a designee of the Commission (Commission Staff Attorney). The cross-examination questions will be developed from the lists of suggested questions submitted by the parties and participants. We note that the parties and participants may submit an unlimited number of questions.

This Commission therefore sustains the procedure, as it fully provides the parties an opportunity to be heard, provides for the development of a record, and facilitates the exchange of information that will assist this Commission in reaching a fair and complete decision. We feel that this procedure satisfies due


process. We do grant to the parties, however, an additional opportunity for questioning. At the close of cross-examination by the Arbitrator, the parties will be allowed adequate time to submit follow-up examination questions to the Arbitrator. The questions will be binding and utilized as long as they are relevant to the proceeding.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)